



Docket No. 116.003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Elisabeth H. BURGER

SERIAL NO.: 10/627,314

Group Art Unit:

FILED: July 25, 2003

Examiner:

FOR: RESORBABLE BONE CEMENT CONTAINING ACTIVE AGENTS

COMMUNICATION TO SUBMIT DECLARATION/POWER OF ATTORNEY

Commissioner for Patents
P.O.Box 1450, Alexandria, VA 22313-1450

Sir:

Applicant respectfully files the enclosed Executed Declaration and Power of Attorney in the above referenced application. Applicant has not YET received a Notice of Defect for the omission of the above document in the application as filed on July 25, 2003. In the interest of moving the prosecution forward, Application encloses a PTO-2038 form authorizing the payment of \$130.00 should the Patent Office Require this fee.

The Customer Service is respectfully requested to telephone the undersigned attorney at the number listed below to resolve any outstanding issues prior to issuing a further Office Action.

10/20/2003 SSITHIB1 00000064 10627314

01 FC:1051

130.00 OP

Respectfully submitted,

Rashida A. Karmali

Rashida A. Karmali, Esq.

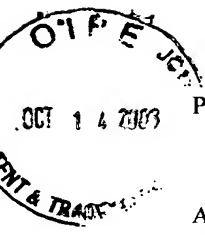
Reg. No. 43,705

Attorney for Applicants

99 Wall Street, 13th Floor

New York, New York 10005

Date: October 14, 2003

**Combined Declaration for Patent Application and Power of Attorney**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Resorbable bone cement containing active agents

the specification of which (check one)

- [] is attached hereto;
[] was filed in the United States under 35 U.S.C. §111 on _____, as
U.S. Appln. No. _____*; or
[X] was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international
(PCT) application, PCT/NL02/00947; filed 29 January 2002,
entry requested on _____*; national stage application received
U.S. Appln. No. 10/627,314 *; §371/§102(e) date 25 July 2003 *
(* if known)

and was amended on _____ (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent or inventor's certificate, or §365(a) of any prior PCT application(s) designating a country other than the U.S., listed below with the "Yes" box checked, and have also identified below, by checking the "No" box, any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed:

<u>01200363.8</u>	<u>Europe</u>	<u>1 February 2001</u>	[X]	[]
(Number)	(Country)	(Day Month Year Filed)	YES	NO
_____	_____	_____	[]	[]
(Number)	(Country)	(Day Month Year Filed)	YES	NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

_____	_____
(Application No.)	(Day Month Year Filed)
_____	_____
(Application No.)	(Day Month Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application No.)	(Day Month Year Filed)	(Status: patented, pending, abandoned)
_____	_____	_____
(Application No.)	(Day Month Year Filed)	(Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Please direct all correspondence to:

Rashida A. Karmali, Ph.D., Attorney at Law
99 Wall Street, 14th Floor
10005 NEW YORK, N.Y.

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from Exter Polak & Charlouis B.V., P.O. Box 3241, 2280 GE RIJSWIJK, The Netherlands as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

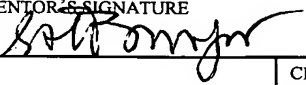
Title: Resorbable bone cement containing active agents

U.S. Application filed 25 July 2003Serial No. 10/627,314

PCT Application filed 29 January 2002

Serial No. PCT/NL02/00947

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR BURGER, Elisabeth Henriëtte		INVENTOR'S SIGNATURE 	DATE 22 September 2003
RESIDENCE Ter Aar, The Netherlands		CITIZENSHIP Netherlands	
POST OFFICE ADDRESS 107, Korteraarseweg, 2461 GK TER AAR, The Netherlands			
FULL NAME OF SECOND JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF THIRD JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FOURTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SEVENTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			

ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS